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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/710,287	11/10/2000	Michael Dean Whitmarsh	10003977-1	5015

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EXAMINER

PHAM, THIERRY L

ART UNIT PAPER NUMBER

2625

DATE MAILED: 06/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/710,287	Applicant(s) WHITMARSH ET AL.	
	Examiner Thierry L. Pham	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-22 and 25-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-22, 25-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

- This action is responsive to the following communication: Appeal Brief filed on 3/31/06.
- Claims 1-3, 5-22, 25-39 are pending; claims 4, 23-24, and 40-45 have been canceled

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 5-22, 25-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Blumberg et al (US 20030140315).

Regarding claim 1, Blumberg discloses a method of processing a print job (print job, par. 27) of a customer before (fig. 6) submitting the print job to at least one of a plurality of print providers (print facilities, par. 102), the print job being defined by a data file (job description file, par. 30 and par. 144) for the print job and a print request identifying at least one attribute (finishing options, par. 28) of the print job (print job, par. 27) as specified by the customer, the method comprising:

- providing a print processing system controller (on-demand print server 210, fig. 2) print provider capabilities, par. 103) having a print capability of the print providers registered (registered print providers, par. 103) therewith;
- defining a network communication link (network such as LAN, Internet, WAN, and etc, as shown in figs. 2-3) between the customer and the print processing system controller;
- receiving the data file (par. 29-31) for the print job at the print processing system controller via the network communication link (network, fig. 3);

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- determining at least one document type (displays document type to be selected for print order, fig. 6, par. 75-83 and par. 166-177) for the print job with the print processing system controller based on characteristics (based upon job description file, par. 75-83 and par. 166-177) of the print job as included in the data file for the print job, including processing the data file (job description file) for the print job and analyzing characteristics of the print job with the print processing system controller to determine the at least one document type for the print job (par. 75-83 and par. 166-177);
- presenting (presenting to the customer, par. 177) the at least one document type (document types, par. 39-41 and par. 177) for the print job to the customer via the network communication link; and
- receiving the print request (step 690, fig. 6) for the print job at the print processing system controller via the network communication link, the print request specifying a document type (par. 75-83, fig. 6) for the print job from the at least one document type for the print job and identifying the at least one attribute (attribute, par. 75-83, fig. 6) of the print job as specified by the customer.

Regarding claim 2, Blumberg further discloses the method of claim 1, wherein the step of defining a network communication link includes defining an Internet communication link (Internet communication network, fig. 2) between the customer and the print processing system controller.

Regarding claim 3, Blumberg further discloses the method of claim 1, wherein the step of determining the at least one document type (par. 75-83 and par. 172) for the print job includes processing the data file (job description file) for the print job and determining from the data file at least one of a file format, a number of pages, a print medium, a printing layout, a color content, and an image presence of the print job (finishing options, par. 29-31).

Regarding claim 5, Blumberg further discloses the method of claim 1, wherein the step of identifying the at least one attribute of the print job includes specifying at least

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one of a number of copies, a cost characteristics, a quality characteristics, and a due data characteristics for the print job (finishing options, par. 29-31).

Regarding claim 6, Blumberg further discloses the method of claim 1, wherein the step of identifying the at least one attribute of the print job includes specifying at least one of a print medium, a printing layout, a color printing option, a finishing option, a delivery option, and a due date for the print job (par. 29-31).

Regarding claim 7, Blumberg further discloses the method of claim 6, wherein the step of identifying the at least one attribute of the print job includes specifying a plurality of selections for the at least one of the print medium, the printing layout, the color printing option, the finishing option, the delivery option, and the due date for the print job (par. 29-31).

Regarding claim 8, Blumberg further discloses the method of claim 1, further comprising the steps of: (1) determining with the print processing system controller which of the print providers have the printing capability to fulfill the print job, including comparing the print request and the data file for the print job with the printing capability of the print providers (par. 102); compiling with the print processing system controller a list of at least one quote (par. 103) of at least one of the print providers which has the printing capability to fulfill the print job; and (3) presenting the list (par. 73 & par. 102) of the at least one quote to the customer via the network communication link.

Regarding claim 9, Blumberg further discloses the method of claim 8, wherein the list of the at least one quote includes at least two quotes of the at least one of the print providers (par. 102).

Regarding claim 10, Blumberg further discloses the method of claim 8, wherein the step of defining the network communication link includes defining the network communication link between the customer, the print providers, and the print processing

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system controller, and further comprising the steps of: (1) selecting a quote form the list of the at least one quote and at least one print provider of the at least one of the print providers to fulfill the print job (par. 103, displays a quote to a user prior submitting based upon price, schedule delivery, and etc.); (2) and submitting the print job to the at least one print provider via the network communication link (network, fig. 2).

Regarding claim 11, Blumberg further discloses the method of claim 1, wherein the print processing system controller has a plurality of document models include therein, and further comprising the step of: (1) creating the print job from a document model of the plurality of document models (templates, par. 76).

Regarding claim 12, Blumberg further discloses the method of claim 11, wherein the step of creating the print job includes: (1) receiving a print job type at the print processing system controller, compiling with the print processing system controller a set of a document models from the plurality of document models (templates and document types, par. 40) based on the print job type, the set of document models including the document model of the plurality of the document models; and presenting a set of document models to the customer via the network communication link (network ,fig. 2).

Regarding claim 13, Blumberg further discloses the method of claim 12, wherein the step of creating the print job further includes selecting the document model from the set of document models (templates and document types, par. 40).

Regarding claim 14, Blumberg further discloses the method of claim 11, wherein the step of creating the print job includes selecting at least one a print medium, a printing layout, a color printing option, and a finishing option for the print job from the document model (finishing options as shown in fig. 6).

Regarding claim 15, Blumberg further discloses the method of claim 14, wherein the step of creating the print job further includes presenting a cost (price, par. 32) for each

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of the at least one of the print medium, the printing layout, the color printing option, and the finishing option for the print job to the customer via the network communication link (network, fig. 2).

Regarding claim 16, Blumberg further discloses the method of claim 11, wherein the step of creating the print job includes selecting a document template (template, par. 76) for the print job from the document model.

Regarding claim 17, Blumberg further discloses the method of claim 1, wherein the step of defining the network communication link includes defining the network communication link between the customer, the print providers, and the print processing system controller, and further comprising the step of: registering the print capability (par. 103) each of the print providers with the print processing system controller via the network communication link.

Regarding claim 18, Blumberg further discloses the method of claim 17, wherein the step of registering the printing capability includes registering at least one of a file format compatibility (pars. 102-103), a print medium capability, a printing layout capability, a color printing capability, a finishing capability, and a delivery capability of each of the print providers.

Regarding claims 19-22, 25-39 recite limitations that are similar and in the same scope of invention as to those in claims 1-3, 5-18 above; therefore, claims 19-22, 25-39 are rejected for the same rejection rationale/basis as described in claims 1-3, 5-18.

Response to Arguments

In view of the appeal brief filed on 3/31/06, PROSECUTION IS HEREBY REOPENED. A new ground of rejections are set forth below.

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To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Conclusion

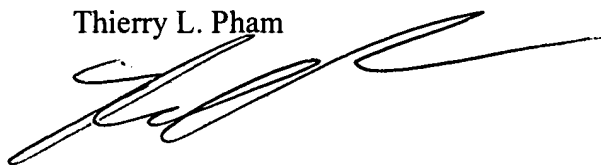
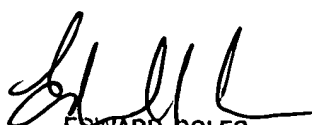
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thierry L. Pham whose telephone number is (571) 272-7439. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (571)272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Thierry L. Pham

A handwritten signature in black ink, appearing to read 'Thierry L. Pham', with a long horizontal flourish extending to the right.A handwritten signature in black ink, appearing to read 'Edward Coles', with a long horizontal flourish extending to the right.

EDWARD COLES
SUPERVISORY PATENT EXAMINER
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